

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LINDA E. HEEBNER,	:	CIVIL ACTION
Plaintiff,	:	
	:	No. 10-2381
v.	:	
	:	
NATIONWIDE INSURANCE ENTERPRISE,	:	
Defendant,	:	
	:	

ORDER

AND NOW, this 28<sup>th</sup> day of September, 2011, upon consideration of Defendant, Nationwide Insurance Enterprise's, "Motion to Dismiss" and Plaintiff's response in opposition, and for reasons stated in the accompanying Memorandum Opinion, it is **ORDERED** that:

1. Defendant's motion is **DENIED** as to Count I.
2. Defendant's motion is **GRANTED** as to Count II.
3. In accordance with the Court's findings, Plaintiff shall have 10 days to file a motion for judgment.

BY THE COURT:

/s/ Mitchell S. Goldberg

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Mitchell S. Goldberg, J.